App. F. IX-4

192 7.

File No. 8-27

Previous References
Mr 38-14 (7-18)

Serial Nos. 1-5

Later References
Law 103-30-1-6
" 59-36 (1-5)

General and Revenue Secretariat.

Serial Nos. 1-5

Part B for April 1928

SUBJECT

Notice from Mr T Shama Char Advocate on behalf of Rao Sahib Lakshmanrao praying that he is entitled to half the income from the properties of Nagadi Krishnappa

---

No P 3673 Dt 6-1-28 To T. Shamachar B.A. B.L. Advocate, Chikballapur

States that his client has no cause of action against the Govt

T. Venkatappa
18/4/28

44987

GENERAL AND REVENUE SECRETARIAT.

NOTES.

Rotrie no 8 of 27-28. Kacc File No. 8.

FILE HEADING.

Notice from Mr. T. Ramachar Advocate
on behalf of
Vajadi Lakshamma praying in Civil Miscellaneous

From Mr. T. Ramachar
Advocate,

No. Dated 19 July 1927 Received

Diary No.	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that her client is entitled to half the income from the properties of Vajadi Krishnappa and that D has ordered withholding payments being made accordingly ~~to~~ to G.O and requests that half the income may be paid to her and she be put in possession of half the properties

NOTES AND ORDERS.

Subd for favour of perusal The Inungan branch may perhaps be requested to put up the Records connected

Macd
20/7/27

Call for a report

DA
20/7.

draft subd calling for report fm Inungan Comr as agreed.

Macd

NOTES—First Sheet. 21.7.27

WD 1881—GPB—30,000—1-8-21

2/ To the Inungan Comm
ROC 588 of 23.7.27
Calls for a report

Issued
21/7

1157 2

General and Revenue Secretariat. | File No. of 192

Serial No. 3

Letter no C 139/27—28 d 23/28 August 1927 from the Inspra Comr in Mysore, states that a detailed report has been called for from Dy Comr and that the matter is under correspondence with Govt in the Fl Dept. Forwards two letters on the subject.

Submitted for perusal of the letter of Inspra Comr to Fl Secy to Govt no C 1470/24—28 d 11 October 1926, it is stated that Lakshmamma moved the Govt to take the properties under their management. After she subsequently agitated, G.O. no 229—30/Inspg 138—14—18 d 17 July 1919 was passed stating that she may be given one half of the net income of all the immoveable properties on condition that she should accept the same in writing which she has done. Her present claim for possession of the lands is untenable.

Flag K.

The detailed Report may perhaps be awaited

Noted 27/8/27 Legal Rem 27/8 29/8

Yes 8/9 8/9 28/8/9

NOTE—Contn. sheet

Reminder Subd Noted 14.11.27

16/11

WD 0324—GPB—60,000—24-5-27

Issd 18/11/27

Rop 2544 by 16/11/27

2607/P 761

App. F. III—2]

General and Revenue Secretariat. File No. 8 of 1927.

Serial No.

is still payable by her She is not likely to pay and so the amount has to be adjusted She accepts our quasha- Govt Orders of June 19 which She has accepted in writing

No action may perhaps be taken in this Notice.

M&Q
26/11/27

A reply may be given on the lines of the report &c

draft reply submitted for consideration

M&Q
2/12/27
Asst 5/12

Legal Rem Secy. D

SP 30/11
SP 30/11
SP 6/12

Please put up a copy of the order of 1919 referred to in the M.C's letter
SP 12/12

5 To T. Shamachar Esqr. SP 6/1
Advocate. B.A. L.L.B
Chickballapur

R.O. P 3673 dt 6-1-28

States that his client has no cause of action as Govt. Court etc

Referred to in Secy D's note dated 13/12/27. Asst 13/12

Filed.
This may be sent to Mudgal Br for notice accd

Read letter
M&Q
9/1/28

To the Mudgal Branch
Asst 9/1

7.61

B.
J.

NOTE—Contn. sheet.

Noted in Mudgal file 160 of 25 and returned.
SP 7/2 9/1/28
(20th Asst)

Law 7/2

WD 0324-GPB-60,000-24-5-27

261/P/27

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

DEN. & REV. SECRETARIAT.
12 DEC 1927
MUZRAI
D761

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

The Muzrai Branch may be requested to kindly put up the file containing the G.O

12/12/27

The Muzrai Br for kind compliance

13/12

Prof. Hall

Mem file 13-8-14 containing the G.O of 17-7-19 is put up, as required - In accordance with the Law Secy's opinion, a reference has to be made to the Dist Judge for permission to sell the Trust property.

SD 13/12/27 13/12/27

Letter No.1485/Muz.16-2b-4 dated 10th February 1927 from the Financial Secretary to Government to the Muzrai Commissioner in Mysore.

With reference to the correspondence ending with your letter .470 of 24-25, dated 11th October 1926 requesting sanction to the sale of Nagadi Krishnappa's lands bequeathed for the maintenance of the Annachattram in his house in Chickballapur for feeding ---- Brahmins, I am directed to forward herewith a copy of the Local and Legislative Secretary's note dated 4th Februa y 1927 expressing his views in the matter and to enquire what expenditure an application to the District Court on the lines suggested by the Local and -- Legislative Secretary will involve and whether it can be met from the income of the trust properties."

"C o p y"

For Muzrai Commissioner.

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the 192

Date of issue 23/7/27

Signed by H.V.J.

List of enclosures.....

Copied by.....

Examined by.....

Section Law
File No 8.27
Serial No 2
No. P.588/Genl/

To

The Deputy Comr in Mysore
Bangalore.

Sir,

I have the honour to forward herewith notice received from Mr. T. Shamachar, Advocate, on behalf of Vajadi Lakshamma residing in Chick Ballapur, stating that her client is entitled to half the income from the properties of Vajadi Krishnappa and that she should be put in possession of half the properties & that the recent order of Deputy Comr withholding payment to her is against Govt orders. A report in the matter may kindly be forwarded with the connected records at an early date.

I have &c

State over

Secy to Govt
Law Dept.

WD 01265—GPB—31,000—24-12-25
27.7.27

8

1157
P827

No. C 139/27-28
Jud

Office of the Muzrai Commissioner in Mysore

Dated Bangalore, 23rd August 1927
25

From

Law 8.27-3

A. K. Syed Taj Peeran, Esq., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

To

P. Nagappa, Esq., Bar-at-Law.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Law Department.

Sir,

8-1
25/8
8
26/8

With reference to your letter No.P.588 dated 23rd July 1927 forwarding notice from Mr. T. Shamachar, Advocate on behalf of Nagadi Lakshamma of Chickballapur stating that she should be put in possession of half the income from the properties of -- Nagadi Krishnappa and that the recent order of the Deputy Commissioner withholding payment to her is against Government orders and requesting that a report in the matter with the connected -- records may be forwarded at an early date, I have the honor to state that copy of your letter under reference has been forwarded to the Deputy Commissioner, Kolar District, for a detailed report with records.

In this connection, I beg to state that this matter is under correspondence with Government in the Financial Department. A copy of the Financial Secretary's latest communication No.1485/ Muz.16-25-4 dated 10th February 1927 in reply to this office --- report No.C.1470 of 24-25 dated 11th October 1926 (copy submitted) is herein enclosed. The information required therein re costs has been called for from the Deputy Commissioner and his reply is awaited.

He has been reminded again this day.

I have the honor to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

nr

Letter No.C.1470/24-25 dated 11th October 1926 from the -- Muzrai Commissioner in Mysore to the Financial Secretary to --- Government of Mysore.

- - - - -

"Referring to your letter No.363/Muz.16-25-2 dated 30th -- September 1925 stating that a report may be sent up after hearing the parties in connection with the selling of Nagadi Krishnappa's lands bequeathed for the maintenance of an annachattram in his house at - Chickballapur for feeding Brahmans and also requesting to be informed of the provision of the Muzrai Regulation or Law under which the land can be sold and the interest on the sale proceeds utilised for purposes other than those for which the endowment was made by the donor, I have the honor to state that Lakshamma sister of the donor accompained by her brother was heard. In the statement presented by her and herein enclosed, she contends that she is entitled to be in possession of the properties and enjoy the produce and that Government can take possession of the same and start the feeding of Smartha Brahmins only after her death. It is not clear from the will of Krishnappa whether it as the intention of Krishnappa that charity should beg in only after the -- death of both the legatees (his wife and Lakshmamma his sister). But whatever may be the interpretation of the contents of the will, the contention of Lakshmamma now can be of no avail since it was at her instance, the properties were taken under Government management vide G.O.No.4166 dated 26th March 1906. Her subsequent agitation to --- restore the properties to her ended in G.O.No.229-30/Muz.138-14-18 dated the 17th July 1919 directing that she may be given one half of the net income of all the immoveable properties subject to the ----- condition that she unreservedly accepted the arrangement in writing. She has accepted the ame vide her statement presented before the --- Amildar on 30-9-19. In this circumstance, her present claim to be -- put in possession of the lands is untenable. The lands are under -- Government management since 1906.

Re the disposal of the lands by sale and investing the sale proceeds in an advantageous manner, the records show that Government themselves have in their order No.2200-1/138-14-9 dated the 20th May sanctioned the sale of certain wet lands comprised in the endowment since they were lying waste and would fetch a good price, if sold away outright. There does not seem to be any provision in the Muzrai Regulation on the point raised by Government in the letter under reply. But it

10

it seems to be the duty of the trustee which is Government in the present case, to see that the trust money and property are administered properly and they yield the maximum income. In this view the recommendation made by me or the proposal of the Deputy Commissioner seems to be the best possible and the only course to get a suitable income from the endowment, so as to suffice for a worthy object i.e., the grant of scholarship to students which --- substantially fulfils the intentions of the donor.

I beg to reiterate my recommendation and solicit early --- sanction of Government.

The records received with your letter are herewith returned.

"Copy"

For Muzrai Commissioner.

F. VI. Gl.]

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. P 2544

General and Revenue Secretariat

( )

the 192

To

The Survey Comr.

Date of issue..... 16/11/27

Signed by..... M. T. S

Sir

I have the honour to
invite kind reference to this
office no P 5-88 d 23-9-27
& to request that the report called
for regarding the trouble on behalf of
Nayadi Lakshmamma of Ichchapalli
may kindly be furnished early

I have etc

List of enclosures.....

Copied by..... 16/11

Examined by .....

16/11

Secy to Govt
Law Dept

over 14/11

2607 p 827

No. C 139/27-28 ones one file Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 22nd November 1927. 24

Law 8.27.4

From

P. G. D'Souza, Esq., P.A., B.L.,

Muzrai Commissioner in Mysore,

Bangalore.

To

P. Nagappa, Esq., Bar-at-Law.,

Secretary to the Government of His

Highness the Maharaja of Mysore,

Law Department.

8-1 24.11 8 28/11 Law 29/11

Sir,

With reference to your letter No.P.538 dated 23rd July 1927 forwarding the notice issued on behalf of Lakshamma Sister of ----- Nagadi Krishnappa of Chickballapur claiming possession of half the Trust properties and requesting the submission of a report with -- records in the matter, I have the honor to submit herewith copy of letter No.A-2 C 695 of 26-27 dated 16th November 1927 from the --- Deputy Commissioner Kolar District explaining the previous facts -- of the case clearly and in sufficient detail and answering ------- categorically the points enumerated in the notice and to solicit - the favour of an early intimation as to the disposal of the notice, as further action to move the District Court to dispose of by sale the estates with a view to better adminstration has to be taken.

2. The vernacular records bearing on the subject are herewith enclosed for reference and kind return.

I have the honor to be,

Sir,

Your most obedient servant,

23/11/27

Assistant ~~Commissioner~~.

For Muzrai Commissioner.

(~~Absent from station~~.)

Letter No.A 2 C.695/26-27 dated 16th November 1927 from the Deputy Commissioner, Kolar District to the Muzrai Commissioner in Mysore.

"Re: the alleged claims of Lakshmamma on Nagadi Krishnappa's estates in Chikballapur Taluk. Notice issued under Section 80 of the Civil Procedure Code to the Chief Secretary. Furnishes report on the claims alleged.

- - - - - -

"With reference to your letter No.139/27-28 dated the 30th July 1927 forwarding the Notice and calling for report with record, issued by M/s. Shamachar Advocate, on behalf of his client, Lakshmamma, residing in Chikballapur, stating that his client is entitled to half of the income from Nagadi Krishnappa's estates, that she should be put in possession of half of the properties and that the recent order of the Deputy Commissioner withholding payment to her of the moiety of the income from the estates for the years 1924-25 and 1925-26 is not in order and etc., I have the honor to invite reference to the ---- Government Order No. 30/Muz.138-14-18 dated the 17th July 1919 in the matter which is the basis of the relation of the parties in regard to the estates of Krishnappa left for charitable purposes by a will - and administered by Government as a Trustee. (Copy of the Government Order is enclosed herein for ready reference). Firstly as regards -- the restoration of half the properties:-- Under the terms of this -- Government Order, Lakshmamma is only entitled to half of the net -- income from the estates during her life time and not to the restoration of half of the properties of the estates as claimed in the notice.

2/ Secondly, as regards the statement made in the notice that the - moiety of the realisations from the estates has not yet been fully -- paid to her:--

In pursuance of the instructions of the Government Order of the 17th July 1927, half the realisations from the year 1919-20 have been ~~ex~~ paid to Lakshmamma to the end of 1923-24 (vide Amildar's report No.C.C. 382/25-26 dated 9-2-27 Flag A) and that the moiety of the net realisations for the next two years i.e., 1924-25 and 1925-26, amounting to Rs.150-2-4 has been ordered to be adjusted towards the sum of Rs.280/- that became payable by her in respect of a house which was one of the estates of the said Krishnappa under Government management, in the circumstances ---- explained below:--

1/ According to Krishnappa's will the house in question should become the sole property of one Rajebab[illegible]ttaya, if he paid Rs.280/

(in cash) to the estate of Krishnappa. He was not able to pay the money. He sold his right, title and interest in the house to ---- Lakshmamma for Rs.30/-. She, in turn, mortgaged the house to one Subba Rao, her relative for Rs.400/- but failed to pay Rs.280/- to the estate of Krishnappa, which was the consideration fixed for the transfer of the house to the sole ownership of the said Rajahar --- Vilkantappa and into whose shoes she (Lakshmamma) stepped in by the sale of the house. The then Deputy Commissioner (Mr. S. Sivaramaiya) to whom the matter was reported ordered (vide his order No.P.C.C.1763 25-26 dated 20-2-26 Flag B) that the amount viz. Rs.280/- payable to the estate of Krishnappa in the circumstances stated, should be --- recovered in easy instalments from Lakshmamma who mortgaged the house and realised Rs.400/-.

4) It was in set off of this amount of Rs.280/- that the half of the realisations from the estates, viz., Rs.150-2-4 payable to Lakshmamma for the years 1924-25 and 1925-26 under the terms of the Government Order of the 17th July 1919 was ordered by me to be ---- adjusted (vide my order No.A2-C.695/26-27 dated 1-6-1927 Flag (c). It is against these proceedings Lakshmamma now contends through her Lawyer and hence the notice.

5) From the facts so far set forth above it will be seen, that Lakshmamma's position in respect of the estates under Government --- management was based under the provisions of the Government Order -- No.228-30/Muz.138-14-18 dated 17-7-1919 and that all the amounts --- due to her by ~~wxx~~ way of half the realisations from the estates --- have been fully paid to her up to the end of the year 1925-26 and that a further sum of Rs.129-13-8 is still payable by her on account of --

*	280- 0- 0	) the value of the house in question
	150- 2- 4	)
	129-13- 8	) and that in-as much as she is not

likely to pay the amount, appropriations in easy instalments without pressing hard upon her, will have to be made till the amount is fully adjusted from her portion of the realisations of the estates from the year 1926-27.

6) The contention of Lakshmamma that she is not liable to pay anything in respect of the house, is not tenable because, by the will of Krishnappa, a sum of Rs.280/- was to have been realised before the house was alienated in favour of any other. This is the main point raised in the notice.

7) Further if Lakshmamma wanted to question the provisions of the Government Order of the 17th July 1919, she should have moved the -- Government in time and not so late in the day as she has done now.

The entire vernacular records bearing on the subject is forwarded for reference.

8) On receipt of your reply intimating action taken on the notice in question, necessary further action will be taken to move the --- District Court in respect of the disposal by sale of the estates to -- better administer the same."

"C o p y"

For Muzrai Commissioner.

16

3207/27

No. C/1285/25-26 Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 23rd December 1927.

From

The Muzrai Commissioner in Mysore,

Bangalore.

To

The Deputy Commissioner,

Kolar District.

Sir,

Referring to your letter No.A/C.290 of 27-28 dated 18th -- December 1927 requesting that the connected records relating to Nagadi Krishnappa's estates under Government management may be sent to you for reference in connection with another case on the file of the Munsiff's Court at Chickballapur, I have the honor to state that the above records have been forwarded to the --- Secretary, Local and Legislative Department, with this office - letter No.C.139 of 27-28 dated 24th November 1927 in connection with the lawyer's notice received on behalf of Lakshamma, -- sister of Nagadi Krishnappa.

The same will be sent to you as soon as they are returned to this office by the Law Secretary.

I have the honor to be,

Sir,

Your most obedient servant,

C/1285/25-26

(Sd.) P. G. D'Souza,

Muzrai Commissioner.

Copy of the above is forwarded with compliments to the Law Secretary to Government of His Highness the Maharaja of --- Mysore.

Muzrai Commissioner.

F. VI. Gl.]

JECT.....

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Section Law

File No. G.V

Serial No. 5

No. 8693

No. of letter replied to .....

eneral and Revenue Secretariat

( )

the 192

To T Shamachar Esq

B.A.B.L.

Advocate

Chickballapur,

e of issue..... 6/1/28

ned by..... M. T

Sir

In reply to your notice dt 19 July 1927 on behalf of Nagade Lakshmamma residing in Chickballapur, ... applicant I am directed to state, that according to G.O. No 228-30/ Dated 1928 dt 18 dt 18 July 1929 Late your client ..... submitted to behalf of the ..... Act came from the estate of Kreshnappa which is attached by Govt as trustee — Client cannot claim restoration of 1/2 the properties as mentioned in the notice,

2 In pursuance of the over refused to Govt order stated above behalf the

List of enclosures.....

Copied by.....

Examined by .....

realisations from the year 1919-20 have been paid to Lakshmamma to the end of 1923-24. and nearly of the debt realisations for the next two years 1924-25 & 1925-26 amounting to Rs 190-2-4, has been adjusted towards a sum of Rs 280 that became payable by her in respect of a house which ~~of the estates of~~ Krishnappa. The contention of Lakshmamma that she is not liable to pay anything in respect of which is not tenable because by the will of Krishnappa, a sum of Rs 280 was to have been realised before the house was alienated in favour of any other It was for the recovery of this sum that the Deputy Com ordered adjustments in any instalments

under the following circumstances
Under the will of Krishnappa the house should become the property of Lakshmamma if she paid Rs 280/- to the estate of Krishnappa. She did not pay the amount, but sold his right title & interest to the house to Lakshmamma for Rs 280/- Subsequently mortgaged it to one Subba Rao for Rs 600/- and did not pay the Rs 280/- ~~It was brought to notice this amount~~

Lastly your Claim is not entitled to question the Govt order of 17th July 1919, as she has accepted unreservedly the arrangement in writing Therefore her present claim to be put in possession of the lands is untenable She has no cause of action against Govt in the circumstances enquired above I have the

of 36/24 Court fees Law
Copy for R Q for information
returning the records.

19

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. F 3673

Dated, Bangalore, 6/8/1928

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

T.Shamachar Esq, B.A., LL.B.,
Advocate, Chickballapur.

Sir,

In reply to your notice dated 19th July 1927, on behalf of Nagadi Lakshmamma, residing in Chickballapur, I am directed to state that according to Government order No.228-30/Muz.138-11-18 dated 17th July 1919, your client is only entitled to half of the net income from the estate of Krishnappa which is administered by Government as trustee. She cannot claim restoration of half the properties as mentioned in the notice.

2. In pursuance of the Government order referred to above, half the realisations from the year 1919-20 has been paid to Lakshmamma to the end of 1923-24 and moiety of the net realisations for the next two years 1924-25 and 1925-26, amounting to Rs.150-2-4, has been adjusted towards a sum of Rs.280/- that became payable by her in respect of a house which is one of the estates of Krishnappa, under the following circumstances. Under the will of Krishnappa the house should become the property of Bajebab Nilkantappa if he paid Rs.280 to the estate of Krishnappa. He did not pay the amount, but sold the right, title and interest in the house to Lakshmamma for Rs.30/- who in turn mortgaged it to one Subba Rao for Rs.400/- and did not pay the Rs.280/-. The contention of Lakshmamma that she is not liable to pay anything in respect of the house is not tenable, because by the will of Krishnappa a sum of Rs.280/- was to have been realised before the house was alienated in favour of any other. It was for recovery of this sum from -- Lakshmamma that the Deputy Commissioner ordered adjustments in easy

Do

instalments out of the amounts payable to her. Lastly your client is not entitled to question the Government order of 17th July 1919 as she has accepted unreservedly the arrangement in writing. Therefore her present claim to be put in possession of the lands is untenable. She has no cause of action against Government in the circumstances mentioned above.

I have the honor to be,

Sir,

Your most obedient servant,

for. Secretary to Government,

Law Department.

Nairobi.